

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JAMES E. KEMPFER,**

**Defendant.**

**Case No. 09-cr-30146-3-DRH**

**ORDER**

**HERNDON, Chief Judge:**

This matter was referred to United States Magistrate Judge Donald G. Wilkerson for the specific purpose of conducting a change of plea hearing for defendant James E. Kempfer, pursuant to **28 U.S.C. § 636, SDIL-LR 72.1(b)(2)**, with the Parties' consent. The change of plea hearing was held on February 12, 2010 (Doc. 111) pursuant to **FEDERAL RULE OF CRIMINAL PROCEDURE 11**, during which defendant Kempfer plead guilty to Count 1 of the Superseding Indictment, following a thorough colloquy with Judge Wilkerson. A Report and Recommendation ("R&R") (Doc. 113) was issued, recommending the Court accept Defendant's plea of guilty. In accordance with **28 U.S.C. § 636(b)(1)(B)**, the Parties were allowed fourteen (14) days from the issuance of the R&R to file written objections thereto.

Neither Party filed timely objections. Therefore, the Court **ADOPTS** the

R&R (Doc. 113) in its entirety.

The Court finds that Defendant is fully competent and capable of entering an informed plea, that Defendant is aware of the nature of the charges and the consequences of the plea, and that the plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

Accordingly, the Court **ACCEPTS** defendant James E. Kempfer's guilty plea and **ADJUDGES** him **GUILTY** of **Count 1 of the Superseding Indictment** (Doc. 54). The United States Probation Office is **DIRECTED** to prepare a presentence investigation report. The **SENTENCING HEARING** for defendant James E. Kempfer remains scheduled for **May 14, 2010 at 3:30 p.m.**

**IT IS SO ORDERED.**

Signed this 8<sup>th</sup> day of March, 2010

/s/ David R. Herndon

**Chief Judge**  
**United States District Court**